

### REMARKS

Claims 1-47 are pending. Claims 1-47 have been rejected. Claims 1, 3, 10, 13, 16, 24, 26, 36, 37 and 38 have been amended. New claims 48 and 49 have been added. Claims 1-49 remain in the case for reconsideration. Reconsideration is requested.

#### *Claim Rejections – 35 U.S.C. § 102*

Claims 1, 2, 4, 6-10, 12-15, 17-25, 27, 29-33, 35-37, 39, 41-45, and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Kung et al. (US 6,775,267).

Claim 1 has been amended. Support for the amendment can be found in the present specification, page 4, lines 17-19 and in Fig. 1 of the present application. Kung does not teach each and every element of claim 1 for at least the reason that Kung fails to teach at least both the elements of dynamically varying the adaptation schemes used at a telephone endpoint and wherein dynamically varying the adaptation parameters affects how much digital data is used to represent an audio signal.

Kung discloses an IP central station 200 that may be configured to provide connectivity to a broadband residential gateway 300 (Kung, col. 7, lines 15-35.) Kung discloses that the central station can alter the Quality of Service (QoS) provided and bit rate allocated to a user (Kung, col. 7, lines 27-30, Fig. 7a, Fig. 7b). However, changing the bit rate allocated to a user does not affect how much digital data is used to represent an audio signal. Changing bit rate or QoS allocated to a user without changing the how much digital data is used to represent an audio signal can be problematic. For example, if a user in Kung requests a decrease in allocated bit rate to save money, the bit rate allocated will be lowered by the central station without lowering the bit rate at which the user's calls are encoded. Thus, the user would lower the bit rate allocated but the size of the user's calls would remain the same thus creating a bottleneck situation.

In contrast to Kung, claim 1 includes the element of dynamically varying the adaptation schemes wherein dynamically varying the adaptation parameters affects how much digital data is used to represent an audio signal. A user of the present invention would be able to vary the adaptation parameters to best use the bit rate and QoS allocated to the user by a central station thereby avoiding a bottleneck situation. Therefore, claim 1 should be allowed. Claims 2-9 are dependant and should also be allowed.

Furthermore, Kung does not disclose dynamically varying the adaptation schemes used at a telephone endpoint. Kung discloses an IP central station 200 that may be configured to provide connectivity to a broadband residential gateway 300 (Kung, col. 7,

lines 15-35.) Kung discloses that the central station can dynamically alter the priority of a given communication. (col. 7, lines 30-35.) However, according to Kung, the change in priority is made at the central station. A user communicates his quality of service and bit rate requirements from a first terminal to a central station, and the central station may change the priority of a communication (see abstract.) It is clear that the varying of priority is at the central station because, for example, Kung indicates that tariffs and billing rates are considered when determining whether priority dynamically altered (col. 7, lines 30-35.) This information is available at the central station, not at the first terminal. Kung does not disclose varying any adaptation schemes at the first terminal; instead the changes made at the central station are simply communicated to a user at the first terminal.

In contrast to Kung, claim 1 includes the element of dynamically varying the adaptation schemes used at a telephone endpoint. Requests for varying adaptation schemes need not be sent all the way across a network to a central station. Dynamically varying adaptation schemes at a telephone endpoint instead of at central stations allows for a more responsive system. Therefore, claim 1 should be allowed for this additional reason. Claims 2-9 are dependant and should also be allowed.

Claim 10 has been amended. Support for the amendment can be found in the present specification, page 4, lines 13-19. With respect to claim 10, Kung does not teach each and every element of claim 10 for at least the same reason as claim 1. Thus, claim 10 should be allowed. Claims 11-12 are dependant and should also be allowed.

Claim 13 has been amended. Support for the amendment can be found in the present specification, page 4, lines 17-19. With respect to claim 13, Kung does not teach each and every element of claim 10 for at least the reason that Kung fails to teach the element of dynamically varying the adaptation parameters to affect how much digital data is used to represent an audio signal.

As stated earlier, Kung discloses only varying the priority of communications and bit rate allocation. See Kung, col.7, lines 15-35. Neither affects how much digital data is used to represent a call.

In contrast, claim 13 includes the element of a controller configured to dynamically vary adaptation parameters wherein dynamically varying the adaptation parameters affects how much digital data is used to represent an audio signal. Therefore, claim 13 should be allowed. Claims 14, 15, and 17-23 are dependant and should also be allowed.

Claim 24 has been amended and should be allowed for at least similar reasons as claim 1. Claims 25, 27, 29-33, and 35 are dependant and should also be allowed. Claim 36 has been amended and should be allowed for at least similar reasons as claim 1.

Claim 37 has been amended. Kung does not teach each and every element of claim 37. Kung fails to disclose the element of a means for requesting reservation of network resources for the call during the already established VoIP call when the increase voice quality request is detected from the user response.

Kung discloses a call manager polling a BRG associated with the called party to determine resource adequacy as step 6 of steps 1-11 shown in Fig. 5. See Kung, col. 29, lines 23-48. However, the call manager only does this determining of step 6 in response to an off hook signal 508 in step 1. See col. 28, lines 4-20. The off hook signal indicates an off hook condition, i.e. a dial tone, meaning a call has not yet been established. Moreover, no call has yet been established at step 6 where the call manager is polling for resources to determine. A call is finally established in step 9 *after* the resource request has been made. See Kung, col. 30, lines 4-5.

In contrast, claim 37 includes requesting reservation of network resources for the call during the already established VoIP call. Thus, claim 37 should be allowed. Claims 39, 41-45, and 47 are dependant and should also be allowed.

#### ***Claim Rejections – 35 U.S.C. § 103***

Claims 3, 16, 26, and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung in view of Karagiannis (US 2002-0015395-A1).

Applicants wish to “swear behind” the Karagiannis reference. Although the July 31, 2000 effective filing date for 102e purposes of Karagiannis predates the effective filing date of the present application (present application filed December 21, 2000), Applicants conceived of the invention prior to the July 31, 2000 effective filing date of Karagiannis and then were diligent in reducing the concept to practice up until the time the patent application was filed on December 21, 2000. Attached is a Section 131 Declaration signed by one of the inventors of the present application that attests to prior conception of the present invention as well as an invention disclosure submitted internally at Cisco at least before July 31, 2000.

Even if the Karagiannis reference were prior art (which it is not), claims 3, 16, 26 and 38 are dependant and should be allowed for at least the reasons explained above.

Claims 5, 11, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung in view of Havens (US 6,735,175).

With regard to claim 5, the Examiner acknowledges that Kung does not disclose the central station changing voice coder performance or reducing payload size when the central station is making Quality of Service adjustments. The Examiner alleges that it have been obvious to combine the media gateway of Havens with the central station of Kung. However, there is no suggestion to make the combination because the combination would not work.

The central station of Kung is located completely within an IP network (see Fig. 1 of Kung). Conversely, the media gateway of Havens lies at the border of the PSTN network and the IP network and converts analog PSTN signals to digital data for IP transmission (see Fig. 2 of Havens). There is no suggestion to combine the analog to digital converter/encoder (217) of Havens with the central station of Kung because the central station does not send or receive analog communications. Even if one were to include the encoder 217 of Havens into the central station, the encoder would not be able to change the encoding of IP calls received by the central station because they are already in a digital IP format.

However, even if one could combine Havens and Kung, the combination would still not teach each and every element of claim 5. Because claim 5 is dependant on claim 1, it includes the element of varying the adaptation schemes at the telephone endpoint. In Kung, changes are made at the central station. In Havens, changes are made at a media gateway. Central stations and media gateways are not telephone endpoints. Thus, claim 5 should be allowed. Claims 11, and 28 are dependant and should be allowed for the reasons explained above.

Claims 34 and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung in view of Havens as applied to claim 11 above, and further in view of Hardie et al. (US 6,675,340).

Applicants wish to "swear behind" the Hardie reference. Although the October 19, 2000 effective filing date for 102e purposes of Hardie predates the effective filing date of the present application (present application filed December 21, 2000), Applicants conceived of the invention prior to the October 19, 2000 effective filing date of Hardie and then were diligent in reducing the concept to practice up until the time the patent application was filed on December 21, 2000. Attached is a Section 131 Declaration signed by one of the inventors of the present application that attests to prior conception of the present invention as well as an invention disclosure submitted internally at Cisco at least before October 19, 2000.

Even if the Hardie reference were prior art (which it is not), claims 34 and 46 are dependant and should be allowed for the reasons explained above.

Claim 40 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung in view of Karagiannis as applied to claim 38 above, and further in view of Havens.

Claim 40 is dependant and should be allowed for the reasons explained above.

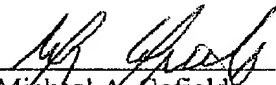
*New claims*

New claim 48 has been added. Support for claim 48 is in Fig. 5 of the present specification and the related description. New claim 49 has been added. New claim 49 is disclosed in the present specification, page 6, lines 8-11.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-49 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

  
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